



591086

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

978378

Judge Robert J. Miller

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

CONSOLIDATED RAIL CORPORATION)
a/k/a/ CONRAIL,)

Defendant and)
Third Party Plaintiff,)

vs.)

PENN CENTRAL CORPORATION,)
et al.,)

Third Party Defendants,)
-----/

CASE NO.:

S90-00056

The deposition of STANLEY EDWARD WELTER,

Date: Wednesday, May 26, 1993

Time: 9:25 o'clock a.m.

Place: 205 West Jefferson Boulevard
Suite 312
South Bend, Indiana 46601

Called as a witness by the Plaintiff, in
accordance with the Federal Rules of Civil
Procedure, pursuant notice duly served.

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Before Lois A. Schoenbeck
Notary Public, State of Indiana

APPEARANCES:

MR. STEVEN C. MASON
ASSISTANT REGIONAL COUNSEL
U. S. ENVIRONMENTAL PROTECTION AGENCY
Office of Regional Counsel. CS-3T
77 West Jackson Boulevard
Chicago, Illinois 60604,

For the Plaintiff;

MR. JAMES A. ERMILIO
BINGHAM, DANA & GOULD
Suite 1200
1550 M. Street, N.W.
Washington, D.C. 20005,

For Defendant and Third Party Plaintiff;

MR. PIERCE E. CUNNINGHAM
FROST & JACOBS
2500 Central Trust Center
201 East Fifth Street
Cincinnati, Ohio 45202,

For Third Party Defendant.

I N D E X
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STANLEY EDWARD WELTER

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E X H I B I T S

None

1 STANLEY EDWARD WELTER,

2 called as a witness by the Plaintiff, being
3 first duly sworn, was examined and testified as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. MASON:

7 Q Good morning, Mr. Welter. My name is Steve
8 Mason. I'm representing the United States
9 Environmental Protection Agency.

10 I'm going to be asking you some questions
11 today about your employment and some occurrences
12 out at the Elkhart rail yard.

13 Would you please tell us your full name for
14 the record?

15 A Stanley Edward Welter.

16 Q What is your address, Mr. Welter?

17 A (b) (6)

18 Q What is your telephone number?

19 A (b) (6)

20 Q I want to ask you if you've ever provided
21 deposition testimony before?

22 A No.

23 Q Have you ever testified in a trial?

24 A No.

25 Q Do you understand that you've taken an oath

1 today and that the answers you provide to my
2 questions and the questions of these other
3 gentlemen have to be true and correct to the
4 best of your knowledge.

5 A Yes.

6 Q Did you receive a notice of deposition in the
7 mail from the government, or were you provided a
8 notice of deposition for today?

9 A For today, no. I was notified over the phone.

10 Q Who notified you over the phone?

11 A I think you (indicating).

12 MR. ERMILIO: Counsel.

13 THE WITNESS: Counsel.

14 BY MR. MASON:

15 Q Were you asked to look at and see if you had any
16 records regarding your employment at the Elkhart
17 rail yard?

18 A Yes.

19 Q Do you have any records?

20 A I have no records, no.

21 Q Have you prepared any notes or any memoranda
22 concerning this deposition today?

23 A No.

24 Q Have you reviewed any documents whatsoever?

25 A No.

1 Q Have you had discussions with anyone regarding
the deposition today?

3 A No.

4 Q Have you talked with any former employees at the
5 rail yard concerning occurrences at the rail
6 yard during your employment there, especially
7 with regard to the contamination at the yard.

8 A No.

9 Q I want to ask you some questions just to get a
10 picture of your personal history.

11 Where did you attend high school?

12 A Mishawaka High School.

13 Q Did you graduate?

14 A I did.

15 Q Did you attend college?

16 A No, I didn't.

17 Q Have you ever had any training or specialized
18 instruction for the use of hazardous materials?

19 A No.

20 Q What was your first job after high school?

21 A Out of high school? Oh, my. Bercliff
22 Industries.

23 Q When did you first start working at the rail
24 yard?

25 A 1958.

1 Q Who was your employer at that time?

2 A Oh, let's see. Harlan Wiegandt.

3 Q Who were you working for? Who owned the rail

4 yard at that time?

5 A At that time?

6 Q Right.

7 A New York Central.

8 Q Were you working for New York Central at the

9 time it became Penn Central?

10 A Yes.

11 Q Do you remember approximately what year that

12 happened?

13 A Oh, let's see. It was in the late '60s.

14 Q What was your last day out at the rail yard?

15 A My last day?

16 Q Yes. Are you still working at the rail yard?

17 A Oh, yes, I'm still employed.

18 Q What's your current position?

19 A Carman.

20 Q When you first started working at the rail yard

21 in 1958, what was your position at that time?

22 A Well, I guess I was called a carman. I worked

23 at the cleanout for about a month or two and

24 then went directly to the rip track.

25 Q What were your responsibilities as a carman?

1 A Repair rolling stock.

2 Q And what do you mean by "repair rolling stock

3 A Wheels, brakes beams, welding, necessary

4 application of sill steps, grab irons, whatever.

5 Q What are grab irons?

6 A Grab handles to grab onto and hold onto when

7 you're stepping on a car.

8 Q Did you do work on the actual car itself?

9 A Oh, yes, sure.

10 Q What kind of repairs would be done to the car?

11 A Whatever was required.

12 Q Can you provide an example?

13 A Well, you're talking about now or just

14 progressively through the years?

15 Q Yes, just progressively through the years.

16 A Basic wheel change, periodic air brake work, --

17 which was every four years at that time --

18 wheels would get damaged or worn out. What

19 else? We changed journal bearings.

20 Q What are journal bearings?

21 A It's a shaped bearing that sets on top of the

22 axle within a box -- contained within a box --

23 and it lubricates the axle as it turns.

24 Q And you say you replaced them?

25 A Yes.

1 Q Why would they need to be replaced?

2 A They were done periodically, for wear. And then
3 as they became a better product, they were put
4 in when needed, changed when needed.

5 Q So was there a regular interval at which those
6 needed to be replaced, or were they inspected to
7 see if they were in good order?

8 A There was a periodic change, yes, periodic
9 change of lubrication and changing the compound
10 that saturated the oil and held the oil.

11 Q Do you recall how often?

12 A It was a four-year plan then, a four-year
13 periodic change.

14 Of course, everything is wheel bearings
15 now.

16 Q When you first started working at the car shop,
17 who was your immediate supervisor?

18 A The general foreman was Harlan Wiegandt.

19 Q As general foreman, what was he in charge of,
20 just the car shop?

21 A Yes, sir.

22 Q Have you had other positions at the rail yard?

23 A No.

24 Q So you've been a carman throughout your
25 employment there?

1 A Correct.

2 Q And did you inspect cars also as part of your

3 job?

4 A No.

5 Q Who would do the inspections?

6 A Well, we have inspectors out in the yard where

7 trains are dispatched, and they do the daily

8 inspection of trains, getting them prepared to

9 dispatch.

10 Q Are they employed through the car shop?

11 A Yes.

12 Q Did you have occasion to have to do repairs on

13 tanker cars?

14 A I repair every day on cars, yes.

15 Q What kinds of repairs would be done on a tanker

16 car?

17 A Wheels, brake beams, running boards, depending

18 on whatever they come in for, loose running

19 boards.

20 Q Did you ever do repairs on valves?

21 A No.

22 Q What about repairs on panels?

23 A No.

24 Q If the car needed to be repaired, how would that

25 be brought to your attention as a car man?

[]
[]
1 A How would it be brought to my attention?

2 Q Right.

3 A Well, they are put on classification tracks and
4 then brought into the rip area to be repaired,
5 daily.

6 Q And is there something that's placed on the car,
7 or do you receive a report from an inspector
8 that identifies that car?

9 A There's an identification tag put on the car, a
10 paper tag, by the inspector that issued the
11 defect.

12 Q And would that tag identify the repairs that it
13 needed or --

14 A That particular item that he found, yes, that he
15 felt was defective.

16 Q When would that tag be put on a car, where
17 approximately in the yard would that first
18 happen?

19 A Wherever it was discovered -- the defect. When
20 the train is made up, they inspect the trains
21 for defects.

22 Q Where would that most likely first happen --
23 where it would be discovered? In the inbound
24 track or what?

25 A Well, it is now. Back then, in the outbounds.

1 Q "Back then" being what time period?

2 A Early '50s -- late '50s, early '60s.

3 Q So in the early '50s, is it your recollection
4 that trains would not be inspected as they first
5 came onto the yard?

6 A Well, no. I hired in in '58, so I can't speak
7 for the early '50s. I'm sorry. They were
8 inspected as they were made up.

9 Q You'll have to help me. I'm not real familiar
10 with the operations.

11 When it's made up, what do you mean by
12 that?

13 A The trains are brought from the classification
14 yard. Cars are put together on tracks, either
15 eastbound or westbound. And then our men would
16 inspect them.

17 Q While they are on the outbound tracks?

18 A While they are on those outbound tracks getting
19 them ready to dispatch.

20 Q Do you know approximately when that practice
21 changed so that trains were inspected as they
22 came onto the yard?

23 A No, I do not.

24 Q Do you ever recall doing repairs on cars that
25 might have been damaged on the yard while they

1 were being moved around?

2 A Yeah.

3 Q In what situations might that car have been
4 damaged?

5 A Hump damage.

6 Q And describe, if you would, for me how hump
7 damage would occur.

8 A Well, do you know what a hump is?

9 Q Basically, I do, but why don't you explain it to
10 me as you perceive it?

11 A Well, this is a classification, and the hump
12 leads to 72 tracks. And they're dispatched to
13 those tracks from this one hump. And sometimes
14 there's damage, sometimes not.

15 Q What situation would cause the damage?

16 A I don't know because I'm not working in that
17 vicinity. I'm a half mile, a mile away from the
18 classification yard so I don't see those
19 situations.

20 Q But did you ever hear about -- I mean, you would
21 go and look at a car that might be damaged
22 during humping; is that correct?

23 A No, I do not leave my working facility. I stay
24 in the rip track.

25 Q But if a car was damaged during the humping

1 process and came to the car shop. would you know
2 how it was damaged?

3 A No, I would not.

4 Q You wouldn't talk to the inspector?

5 A I am there to repair the damage that is there or
6 replace whatever needs to be replaced. I'm not
7 involved in inspection.

8 Q Would there be anything on the car identifying
9 that this car needed repair that would say how
10 it was damaged?

11 A No.

12 Q But you've heard about cars being damaged by
13 humping?

14 A I've seen cars that were damaged.

15 Q By humping?

16 A I have to assume that's what it was. How else?

17 Q What kinds of damage would occur to a car during
18 humping?

19 A Oh, ladders bent, sill steps bent.

20 Q And what's a sill step?

21 A It just hangs down from the car that you put
22 your foot in for safety purposes.

23 Uncoupling levers, some minor end damages.

24 Q End damage, is that to like the wheel assembly,
25 or would that be to the car itself, to the box

1 or the tank?

2 A No. It just means the walk board across the
3 end.

4 Q Did you ever see a car that had its actual box
5 or the actual tank that was damaged as a result
6 of humping?

7 A Not as a result of humping, no.

8 Q Did you ever hear about a car that had been torn
9 open or a tank that had been damaged as a result
10 of humping?

11 A Yes.

12 Q When would that have been, do you recall?

13 A Late '60s.

14 Q Do you know what kind of car it was?

15 A It was a tank car.

16 Q How did you hear about that?

17 A It was on the track I'm designated to work on
18 the day -- the following day, evidently.

19 Q So the track that you were to work on, what
20 would that be?

21 A Track eight in the rip track.

22 Q And what's the rip track area?

23 A It consists of four, five, six, seven, eight
24 tracks: four within a building, and the other
25 three are outlying tracks.

1 Q And "within a building," what building would
2 that be?

3 A The repair facility.

4 Q Or the car shop?

5 A Car shop.

6 Q So did the tracks actually go into the car shop?

7 A They do.

8 Q This tank car that you mentioned on your track,
9 what was the damage done to it?

10 A The end was split.

11 Q Could you describe for me what you mean by
12 "split"?

13 A The end cap was split in the center and
14 stretched open.

15 Q What's the end cap?

16 A The one end of a tank car has a cap on it. It's
17 a cylinder, whatever size diameter the car is.
18 And the cap on the end is a welded cap on that
19 end -- or on each end of the car.

20 Q And you said it was split?

21 A It was split.

22 Q Was it split enough to be able to see into the
23 car itself?

24 A You could.

25 Q Was there anything coming out of the split?

1 A No.

2 Q Do you know whether there were any contents in

3 the tank?

4 A I do not, no.

5 Q Do you recall any conversations about how that

6 happened, how the tank was split?

7 A No, I do not.

8 Q Do you recall seeing anything on the tank car,

9 any labeling, that would identify what was in

10 it?

11 A Not when I saw it, no.

12 Q What about its destination?

13 A I don't know.

14 Q Do you know what repairs you did do to that tank

15 car?

16 A We straightened safety appliances that were bent

17 and prepared it to leave for its destination or

18 back to its owner, whichever.

19 Q So what kind of repairs were done to the end?

20 A None.

21 Q Why would that be?

22 A I have no idea. We were told what to do and

23 what they wanted done on it and that's what we

24 did.

25 Q Who would have told you that?

1 A The general foreman.

2 Q That is Mr. Wiegardt?

3 A That's Mr. Wiegardt.

4 Q Now, did you tell me that you understood that it
5 was damaged during humping?

6 A I do not know if it was.

7 Q So --

8 A I didn't see the car until the damage had been
9 done, so I don't know.

10 Q So basically, then, you're sort of assuming that
11 that's when it would have been damaged was
12 during humping or somewhere in the yard?

13 A Well, I can't assume that because I didn't see
14 the car when it entered the yard.

15 Q But you mentioned earlier, though, that you
16 recall that this particular tank car was damaged
17 while humping. I'm just trying to figure out --

18 MR. CUNNINGHAM: Objection. I don't
19 think he said that.

20 A No, I did not.

21 MR. CUNNINGHAM: I don't like to
22 object, Steve, except in severe cases. But
23 I think he stated that he made an
24 assumption to the effect but did not see
25 any car that was damaged.

1 MR. MASON: That's what I was trying to
2 find out.

3 MR. CUNNINGHAM: Go ahead.

4 BY MR. MASON:

5 Q So after this tank car would have been repaired,
6 where would it go?

7 A Back to the owner, I assume.

8 Q What would be your follow-up responsibilities
9 after the repair?

10 A I have no follow-up responsibilities. Mine is
11 just repair.

12 Q Would you fill out a form that the repair was
13 done?

14 A No.

15 Q Do you know whether a form would be filled out
16 that the repair was done?

17 A Local supervision would have billing on it, yes.

18 Q Do you know who would have handled that, which
19 individual?

20 A Not at the time, no, I can't remember.

21 Q And again, you believe that this was in the late
22 '60s?

23 A Yes.

24 Q Can you be any more specific?

25 A No, just late '60s.

1 Q What other jobs would you perform in connection
2 with working in the car shop?
3 A I do repair and welding.
4 Q Did you ever work on the wrecking crew?
5 A As an extra person I did, yes.
6 Q Do you know approximately how many times? Is it
7 pretty infrequent?
8 A Yeah, it was. Because everybody at that time
9 had mucho seniority more than I did.
10 Q Do you recall working on any wrecks in the late
11 '60s?
12 A No.
13 Q And working for the wrecking crew, what would be
14 your job?
15 A Ground man.
16 Q What would that involve?
17 A Cable hauling and hooking to cars that were off
18 the track.
19 Q How would a wrecked car be handled?
20 A In what respect?
21 Q If there was major damage done to a car, what
22 would the wrecking crew do?
23 A The wrecking crew's job was to put the cars back
24 on the track and they were taken to whatever
25 vicinity the wreck was in -- the closest car shop.

1 Q The closest car shop. Was there more than one

2 --

3 A Sure.

4 Q (Continuing) -- area on the rail yard where
5 there were repairs done?

6 A In Elkhart?

7 Q Yes.

8 A No, just one.

9 Q What if a car was too badly damaged to be re-
10 railed, what would happen to it?

11 A It would be loaded on a flat car.

12 Q And then do you know what would happen to it
13 then?

14 A After disposition, it was either sent to
15 whatever disposition was requested, to either
16 the company owner or salvage.

17 Q Do you recall any accidents involving tank cars
18 that you worked on as part of a wrecking crew?

19 A No.

20 Q Do you recall sort of the general time frame of
21 when you first would have been a part of a
22 wrecking crew?

23 A Let's see. Probably '72, '73, '74, around that
24 time.

25 Q Were employees in the car shop divided into

1 specialties?

2 A No.

3 Q Were there people that were electricians by
4 trade?

5 A They are not part of the car shop, no.

6 Q Where do they work out of?

7 A They are separate from us. They have their own
8 facility, their own group of people.

9 Q Do you know what the group is called?

10 A They don't come under our jurisdiction, under
11 car craft jurisdiction.

12 Q Now, has that been the same pattern during your
13 employment at the rail yard?

14 A Yes, it's always been that way.

15 Q Did you ever, as an employee of the car shop, do
16 electrical repairs?

17 A No.

18 Q So as I understand it, electrical repairs would
19 not be done through the car shop?

20 A No.

21 Q In connection with the repairs that you did do
22 in the car shop, did you ever use liquid
23 materials during the repairs to clean parts?

24 A Yes.

25 Q Do you know what they were?

1 A No. Cleaning fluids, is all.

2 Q What specifically would these cleaning fluids be

3 used for?

4 A We used to clean boxes, which are the journal

5 boxes. When we did the periodic changeover,

6 pads and new brass, we would blow out the

7 interior residue, the old oil, the old water,

8 with an air and solvent gun.

9 Q You would blow it out. Would there be --

10 A A catch pan under.

11 Q What would you use to blow it out with?

12 A It was designed gun with a collecting tube --

13 one with air, one with solvent -- and it

14 collected into a single tube.

15 Q So it was like a hose?

16 A Yeah, it was a hose with a wand on the end.

17 Q So the air would come from what, there would be

18 a compressor tank?

19 A We had major compressors, yes, that supplied

20 air.

21 Q And you said that a solvent was combined with

22 the air; is that correct?

23 A That's correct.

24 Q How was the solvent contained? What kind of

25 container was it in?

1 A I don't know. It was an overhead system that
2 come from a supply tank.
3 Q So there was a tank up above?
4 A No. There was a tank in the building somewhere.
5 Q Could you see the tank?
6 A That was not my department. That was handled by
7 the storehouse. They did all purchasing and
8 filling of those supplies, and we just used the
9 material.
10 Q Was there a special track where journal boxes
11 would be cleaned?
12 A No.
13 Q So just --
14 A Indiscriminately, all four tracks.
15 Q Now, are all four tracks contained within the
16 car shop?
17 A Three within the building, one outside the
18 building.
19 Q Now, the one outside of the building, would that
20 receive any particular type of repair?
21 A Mostly open-top loads, which would be anything
22 like lumber, piping, flat iron, anything put on
23 a flat car.
24 Q What was the car shop floor like?
25 A Cement floor.

1 Q So the track would run through the cement floor?

2 A Yes.

3 Q Would oil from the journal boxes or from any

4 other source accumulate on the floor?

5 A Sure.

6 Q Would that be cleaned?

7 A Periodically.

8 Q Do you know how often approximately?

9 A Oh, twice a month probably, depending on the

10 severity of it.

11 Q Do you ever recall a practice where, when

12 journal boxes were cleaned, there might not have

13 been a catch pan underneath it? Did you ever

14 see that?

15 A Did I ever see that? I can't say no because,

16 yes, I had seen it.

17 Q You had seen where journal boxes would be

18 cleaned without a catch pan; is that correct?

19 A Sure.

20 Q And if a catch pan was used, would that collect

21 all the material that was used in cleaning the

22 journal boxes, or would there be some that would

23 just be lost?

24 A Most of the time, yes.

25 Q What would happen with the contents of the catch

1 pan?

2 A It would be dumped in a reclaim or recycle area.

3 Q What kind of area, like a drum?

4 A Yeah, they have drums.

5 Q Do you know what would happen to that?

6 A No, I don't.

7 Q Now, as I understand it, you mentioned that
8 there was a solvent used to clean the journal
9 boxes; is that correct?

10 A Correct.

11 Q Do you know that it was a solvent?

12 A Well, I really don't, but it did a cleaning job
13 and air itself would not clean it.

14 Q Do you know the name of the material?

15 A No, I don't.

16 Q Whose responsibility would it be to insure that
17 the tank was full of this solvent?

18 A Stores department.

19 Q How would they fill the tank, do you know?

20 A Out of 55-gallon drums.

21 Q Where would those drums come from on the yard?
22 Was there a storehouse for those materials?

23 A Stores department had those materials, yes.

24 Q Was that a separate building?

25 A Well, it's part of our building, but it's a

1 separate department.

2 Q So the stores area is actually within the car
3 shop?

4 A Yes.

5 Q Does that have a roof over it?

6 A No.

7 Q So it's open?

8 A Yes.

9 Q And was it open since --

10 A Since the yard was built.

11 Q So how are the drums stored, do you recall?
12 Were they stacked?

13 A Yeah, they were stacked.

14 Q Do you recall the names of any employees who
15 were in the stores department while you were
16 working in the car shop?

17 A Not back then, no.

18 Q What about in the '70s?

19 A No. Most of them are deceased.

20 Q We were talking about how the car shop floor
21 might be cleaned.

22 What process was used to clean the car shop
23 floor?

24 A We put down a cleaning fluid and let it set for
25 an hour or two hours, go out and hose it down

1 with water.

2 Q Do you know what cleaning fluid was used?

3 A No, I don't.

4 Q Was it the same material that was used in the
5 air/solvent mixture for the journal boxes?

6 A No.

7 Q How would the cleaning fluid be put on the
8 floor?

9 A It was just dispensed out of 55-gallon drums
10 with a wand.

11 Q Do you recall any labels on these drums?

12 A No. There were labels, but I don't remember
13 what they said.

14 Q And you don't remember what the cleaner was
15 called?

16 A No, I don't.

17 Q Does the term "Class-C solvents" ring a bell?

18 A No.

19 MR. CUNNINGHAM: The answer is no?

20 THE WITNESS: No.

21 BY MR. MASON:

22 Q Do you recall whether or not that cleaner had a
23 particular smell or an odor to it?

24 A The only thing I remember is it was brown in
25 color.

1 Q Now, this brown-colored cleaner, was it used
2 when you started working at the rail yard in
3 '58?

4 A No.

5 About '60, I'd say, or somewhere in the
6 early '60s..

7 Q Do you recall what might have been used before
8 that, before the early '60s?

9 A The plant was so new that we took better care of
10 it then, I guess. We were not quite so liberal
11 with leaving stuff on the floor. We used to
12 clean it daily.

13 Q Whose responsibility would it have been to clean
14 the floor?

15 A It was done on a weekend by the car crew that
16 was there on the weekend.

17 Q So that track wasn't assigned to any one
18 specific person?

19 A No.

20 Q Did you actually participate in cleaning the
21 floor?

22 A I did.

23 Q At any time while you were employed at the rail
24 yard and were cleaning the floor, do you recall
25 whether you wore protective clothing or not?

1 A Only what you normally wear in a day's work. We
2 had uniforms or suits.

3 Q Do you remember there being any change in the
4 materials that were used to clean the floor?

5 A Are you speaking of now or back then?

6 Q Well, you stated that you had used this brown
7 material in the early '60s.

8 Do you recall when the use of that was
9 discontinued or stopped, if it ever was?

10 A It was stopped in the late '70s, early '80s.

11 Q Do you remember how that material would be
12 switched over? Would you be told we're no
13 longer going to use material "X," we're going to
14 use material "Y"? Do you recall that?

15 A No.

16 Q So who would make that decision?

17 A Whoever was in charge of the facility at that
18 time.

19 Q And by "in charge of the facility at that time,"
20 do you mean in charge of the car shop?

21 A Yes.

22 Q I think you stated that Mr. Wiegandt was in
23 charge of the car shop when you started; is that
24 correct?

25 A That's correct.

1 Q Who followed Mr. Wiegandt?

2 A Oh, I can't tell you. It's been too many years
3 ago.

4 Q Do you recall who was in charge of the car shop
5 in the mid to late '70s?

6 A No, I'm sorry, I don't.

7 Q Now, you stated that in cleaning out journal
8 boxes there was an air/solvent mixture.

9 Did that process change at any time while
10 you were working in the car shop to where you
11 were using something different to clean journal
12 boxes?

13 A No. The process changed when roller bearings
14 come into play.

15 Q What time period was that?

16 A Late '70s -- early '70s, about '74 or '75, '76,
17 somewhere around there we begin to see more
18 roller bearings.

19 Q But did there continue to be cars that had
20 journal boxes after that time?

21 A Yes.

22 Q And would they continue to be cleaned out with
23 this air/solvent mixture?

24 A No.

25 Q What would be used?

1 A They then went to an integrated pad with a
2 sponge, and there was no residue from that then.
3 It was self-contained, and those were changed
4 when necessary.
5 Q So there was a pad actually inside the journal
6 box?
7 A Yes.
8 Q And then how would that be cleaned?
9 A They were pre-lubricated. And when it become
10 necessary, when they become torn or dry of oil,
11 then they would be replaced with new pads.
12 Q Was there any need or were any cleaning
13 operations done to the journal boxes with the
14 pad in there?
15 A No.
16 Q Have you ever heard of a material called TCE or
17 trichloroethylene?
18 A Not in relation to my job. I've heard of it.
19 yes.
20 Q Have you ever heard of it at the Elkhart yard?
21 A No.
22 Q You have heard of it in connection with any
23 spills at the rail yard at any time?
24 A No.
25 Q What about carbon tetrachloride? Have you ever

1 heard of that term before?

2 A I've heard the term.

3 Q Have you ever heard of it in connection with it
4 being used at the Elkhart rail yard?

5 A No.

6 Q Have you ever heard of it in connection with any
7 spills at the Elkhart yard at any time?

8 A No.

9 Q At any time while you were working in the car
10 shop, did you ever know about drums or drum
11 contents being buried at the rail yard?

12 A No.

13 Q What about buried tank cars? Have you ever seen
14 a buried tank car at the rail yard?

15 A There were two.

16 Q Where were they buried?

17 A Within the compounds of the repair facility.

18 Q "Within the compounds." What do you mean by
19 that?

20 A Well, say, a mile square area. They were
21 adjacent to the car facility.

22 And they did have underground fuel tanks
23 also.

24 Q How close to the car shop building were the
25 buried tank cars?

1 A A thousand feet.

2 Q Do you know when they were buried?

3 A They were put in when the yard was built.

4 Q I'm not talking about the underground fuel

5 tanks. I'm talking about the tank cars.

6 A The tank cars were put in when the yard was

7 built.

8 Q How do you know that?

9 A They were there. The yard was built in '57 --

10 well, almost finished in '57, and they were

11 there then.

12 Q And you started working at the rail yard when?

13 A I started in April of '58, and they were there

14 when I hired in.

15 Q So from the first day you walked on the rail

16 yard, you saw buried tank -- you saw the cars?

17 A Not the first day, no.

18 Q Well, do you remember approximately --

19 A The track that I worked on was adjacent -- was

20 the closest track to where these tanks were, and

21 they were there.

22 Q At that time when you first worked at the rail

23 yard, what did you see? I mean, what part of

24 the tank car could you see?

25 A Only the dome.

1 Q Do you know why those tank cars were buried

2 A I do not, no.

3 Q Did you ever have any discussion with anyone
4 about those tank cars?

5 A Only kiddingly, saying they were storm safety
6 areas.

7 Q Do you know what was in those tank cars?

8 A To my knowledge, there was never anything in
9 there. They were always empty.

10 MR. MASON: I don't have anything
11 further.

12 CROSS EXAMINATION

13 BY MR. CUNNINGHAM:

14 Q Mr. Welter, I'm Mr. Pierce Cunningham. I
15 represent Penn Central, one of your former
16 employers. I'm certainly glad to meet you
17 today.

18 I want to ask you just a few questions
19 since you've had such a lengthy stay at the
20 Elkhart yard.

21 Am I correct in assuming that you have been
22 at the Elkhart yard since 1958 continuously
23 until the present time?

24 A That is correct.

25 Q And in summary, you've basically worked for

three employers there, at least. First the New York Central Railway, which became merged with Penn Central sometime, I guess, in the mid '60s. Then you worked for the Penn Central Corporation or the Penn Central Railway. Then when Penn Central went into bankruptcy and transferred the land, you began to work for Conrail. Is that correct?

A That's correct.

Q Have I left any employers out?

A No.

Q Let's look back for a moment to 1958.

Do you recall who the terminal superintendent was then?

A No, I'm sorry, I don't.

Q Maybe you would know the terminal superintendent in the late '60s about the time you recall having repaired a tank car with a split in it?

A No.

Q Do you know any of the names of the terminal superintendents from 1965 to the present?

A No. Because I don't meet them.

Q What is generally the terminal superintendent's responsibility? Are they the chief operating officer on the scene, so to speak?

1 A I would say so, yes.

2 Q Do they get all the reports and funnel the
3 information that's important back to
4 Philadelphia or the central office; is that your
5 understanding?

6 A I don't know what their responsibility is except
7 dispatching of trains and moving them in the
8 yard.

9 Q You do recall a Harlan Wiegart who was your
10 foreman, as I understand it, in the car shop; is
11 that correct?

12 A Yes.

13 Q And it's also my understanding that for the
14 majority of the time that you've been employed
15 at Elkhart, that you were in the car shop; is
16 that right?

17 A That's correct.

18 Q And I don't want to get into great distinctions,
19 but you also were a member of the wreck crew
20 which was -- was that associated with the car
21 shop too?

22 A That is part of the car shop, yes.

23 Q Have you had any other jobs while you've been at
24 Elkhart other than with the car shop?

25 A No.

1 Q In the late '60s, about the time that you have
2 this recollection of a tank car with an end cap
3 split, was Mr. Wiegandt then your supervisor or
4 foreman?

5 A I can't remember for sure. We've had many
6 changes.

7 Q Do you recall during the period 1965 to 1970 who
8 your car shop foremen were during that period?

9 A No.

10 Q Do you recall any of the names?

11 A Oh, my. My mind is blank. We've had so many.

12 Q Can you give me a few names during that period?

13 A No, I'm sorry, I can't.

14 Q Going back to those days, it's very hard to
15 recall anything, really, isn't it?

16 MR. ERMILIO: Objection.

17 A For me.

18 BY MR. CUNNINGHAM:

19 Q Do you recall an employee by the name of Claude
20 Brewton?

21 A No.

22 Q Do you know a Mr. Claude Brewton?

23 A No, I don't.

24 Q Just covering a few of the points that Mr. Mason
25 had asked you about regarding this damaged tank

car.

It's my understanding -- and I would like the record to be clear on this, and feel free to expand whatever way you need to -- that you did not observe any accident with any tank car at any time during the late '60s as a result of any humping operation; is that correct or not?

A That is correct. I did not observe that.

Q So that any tank car that you may have repaired during that period, as far as the causation of the damage to that tank car, you have no understanding with respect to causation?

A I have no knowledge, no.

Q So that any conclusion that would suggest that the tank car was damaged as a result of a humping operation would be conjecture or speculation, correct?

MR. ERMILIO: Objection. Any conclusion?

BY MR. CUNNINGHAM:

Q With respect to the damage to the tank car would be purely speculative or conjecture?

MR. ERMILIO: Objection. On the part of who?

A On my part?

1 BY MR. CUNNINGHAM:

2 Q Yes.

3 A Yes.

4 Q It is further my understanding that you did not
5 know the name of the owner of that tank car; am
6 I correct?

7 A You're correct.

8 Q Nor did you fill out any paperwork with respect
9 to that tank car?

10 A That's correct.

11 Q Nor did you know whether or not that tank car
12 ever had anything in it at all; isn't that
13 correct?

14 A That's correct.

15 Q Nor did you know where that tank car came from;
16 am I correct with respect to that?

17 A That's correct.

18 Q Nor where it was going?

19 A That's correct, too.

20 Q And it is further my understanding that you had
21 repaired over the years in various ways other
22 tank cars; is that correct?

23 A That's correct.

24 Q Let's talk about tank cars. If there was major
25 damage to a tank car, that was often not done at

1 Elkhart at all, was it?

2 A We've had cars that had to be loaded, yes.

3 Q And it is my understanding from other witnesses
4 that the reason that significant, major,
5 expensive work was not done was that the
6 permission of the owner of the tank car would be
7 required, because if work was done at Elkhart
8 the owner would be charged for that; is that
9 right?

10 A Correct.

11 Q It is further my understanding from other
12 witnesses -- and correct me if I'm wrong -- that
13 the expensive, major work was generally not done
14 at the Elkhart yard; is that your understanding
15 too?

16 A Well, I guess it depends on the disposition of
17 the company, the owner, as to what we did.

18 Q There were other facilities that had more
19 equipment so as to take care of major damage; is
20 that correct?

21 A Eastern shops were much larger than we are, yes.

22 Q And can you name some of those shops?

23 A Only that they're in Pennsylvania.

24 Q Altoona?

25 A Altoona is one, yes.

1 Q Now, they did major repairs; is that correct?

2 A I've not been there, but that's my

3 understanding.

4 Q Also in answer, I think, to Mr. Mason's

5 question, you said, I have no recall of any tank

6 car wrecks. That would be in connection with, I

7 guess, the wrecking crew.

8 And that would have been in '72 to '74; is

9 that correct?

10 A Not in our yard facility, no.

11 Q And a wreck is something that is generally

12 described as a derailment -- a wreck?

13 A To me, a wreck consists of any number of cars.

14 A wrecking crew is only called when they have

15 major derailments.

16 Q That's when they go off the rails?

17 A Right.

18 Q Now, this end cap split situation didn't involve

19 going off the rail or involve any of the wreck

20 crew, did it?

21 A I don't know. I didn't see it.

22 Q So what you recall was a tank car that had

23 actually been brought into the shop?

24 A Had been brought into the shop, yes.

25 Q And who else worked on that?

1 A Scott Barner.

2 Q Have you talked with him about this.

3 A No, we don't discuss things like that.

4 Q When you did that repair, did you actually look
5 inside the tank car?

6 A I suppose we peeked in the end of it, yes.

7 A I'm asking you if you recall having done that
8 yourself?

9 A I can't say for sure.

10 Q Do you recall any particular odor as a result of
11 the work that you did that would have emanated
12 from the inside of that tank car?

13 A No.

14 Q Did you observe any contents inside that tank
15 car?

16 A No.

17 Q Did you ask anybody what brought about -- strike
18 that.

19 Did you ask anybody about the circumstances
20 of the damage to that tank car that you
21 repaired?

22 A Not in particular, no.

23 Q What about not in particular?

24 A Supervision probably instructed us what he
25 wanted done, and we talked about the car and did

1 what we were told to do.

2 Q Was there anything else about that car or its

3 repair that you haven't told us about?

4 A No.

5 Q So that's all you know about it then?

6 A That's it.

7 Q And it's my understanding the answer to Mr.

8 Mason's question was that you never observed a

9 carbon tetrachloride spill at any time from 1958

10 to the present at the Elkhart Yard in any place;

11 is that right?

12 A I have not observed a spill, no.

13 Q There was none in connection with this 1969

14 event that you can recall; is that correct?

15 A Correct.

16 Q Do you recall whether or not that tank car,

17 because of the severity of the damage to it, was

18 ever put on a flat car and taken any place else?

19 A No. We repaired what we could on the safety

20 appliances, and the next day we come in and it

21 was gone.

22 Q How big was the split?

23 A Oh, probably 18 inches long and -- I don't know

24 -- in the neighborhood of an inch and a half,

25 maybe, wide.

1 Q Was it sufficiently split to allow the contents
2 to have been spilled?

3 A I would say yes.

4 Q But you didn't see any spill.

5 A I did not.

6 Q Nor do you know whether it was filled coming in
7 or at anytime at Elkhart; is that correct.

8 A Was it full when it entered Elkhart? Is that
9 what you're saying?

10 Q Right.

11 A I don't know.

12 Q And you could not say whether it was empty
13 coming into the yard?

14 A No, I could not say that either.

15 Q So as far as you're concerned, it could have
16 been empty coming in?

17 A It's possible.

18 Q Just have no knowledge at all about that?

19 A No, I have no knowledge at all.

20 Q That's what I want to find out.

21 Do you know Mr. Melvin Thimler?

22 A Yes.

23 Q Have you had discussions with him about that?

24 A Melvin is retired.

25 Q And he lives in Arizona?

1 A I don't know where he lives, but he comes and
2 goes, I guess.

3 Q He worked in the car shop?

4 A Yes.

5 Q He was a fellow employee of yours?

6 A No. He was management, a supervisor and general
7 foreman.

8 Q If I told you that I had a conversation with him
9 in which he indicated that journal boxes were
10 cleaned and that there was a great deal of care
11 utilized with respect to the cleaning of journal
12 boxes by means of the use of catch pans, would
13 that be consistent with what you've said today?

14 MR. MASON: What time period are we
15 talking about here?

16 MR. CUNNINGHAM: We're talking about at
17 all times when journal boxes were cleaned
18 at the Elkhart yard.

19 A Mr. Thimler has a better memory than me then.
20 Catch pans were used, yes. They were adequate,
21 but there was some spillage, sure.

22 Q But they tried to do the best they could there;
23 is that right?

24 A Oh, absolutely.

25 Q There was not a disregard, was there?

1 A We worked there. We took care of it as best as
2 possible.

3 Q He indicated to me that there was no real
4 disregard for any rules or sloppy practices with
5 regard to the use of these materials; is that
6 your understanding, too?

7 A If that's what he said, that's what he said.

8 Q I'm asking you what you know.

9 A As far as I know, there was no disregard, yes.

10 Q And it was also not clear to me, apparently not
11 clear to you either, what the materials you
12 talked about for cleaning the journal boxes
13 were?

14 A No. I wasn't -- I didn't do the ordering,
15 didn't do any purchasing, so I don't know what
16 they bought.

17 Q When it came in contact with your skin, it
18 didn't bother you, did it?

19 A No.

20 Q The material that you described, I believe, as a
21 brown-colored cleaner that was used to clean the
22 floor, was different, I think you testified,
23 from the material that was used to clean the
24 journal boxes? Am I right about that?

25 A Yes, that's true.

1 Q Could the material that you described as brown
2 in color and a cleaner, could that have been a
3 soap of some kind?

4 A It was a soapy emulsion of some sort.

5 Q I don't want to put words in your mouth.

6 Was it more like a soap to you than a
7 solvent?

8 A I don't know.

9 MR. ERMILIO: Are we talking about the
10 floor cleaner?

11 MR. CUNNINGHAM: Yes.

12 THE WITNESS: I don't know. It's
13 something that set for several hours, then
14 we washed it off.

15 BY MR. CUNNINGHAM:

16 Q And when you did that, you used boots, did you?

17 A Some men did. They didn't want to get their
18 shoes damaged or wet.

19 Q Did it ever bother you, the material that went
20 on the floor that was hosed off?

21 A Did it ever bother me?

22 Q Yes.

23 A In what respect?

24 Q Physically.

25 A No.

1 Q Burn your eyes or anything like that?

2 A No.

3 Q Sting your hands, nothing like that?

4 A No.

5 Q You indicated that beginning in 1958 when you

6 first began to work at the yard that you

7 observed two buried tank cars, maybe not the

8 first day you were there but as you began to

9 work there you found that out; is that right?

10 A Correct.

11 Q What was the size or were the sizes of those

12 buried tank cars?

13 A Oh, I would guess 40 feet in length.

14 Q Could you see the outline so as to be able to

15 measure it?

16 A No. All you could see was the dome.

17 Q How did you know they were 40 feet?

18 A Well, at that time, that was basically the size

19 of most cars.

20 Q Did you ever climb down in there or anything

21 like that?

22 A No.

23 Q Ever look through the dome?

24 A Opened the dome and looked in, yes.

25 Q Anything in there when you looked in?

- 1 A Empty.
- 2 Q What department would have been responsible for
3 the care and maintenance of those tank cars, do
4 you know?
- 5 A I don't know. They were within the car
6 compound, but I don't know.
- 7 Q As far as you know, though, they were never used
8 by the car shop?
- 9 A Never used.
- 10 Q Are they still there?
- 11 A One is gone. They took one out because they
12 changed the configuration of the area where it
13 was. I think one is still there. I'm not
14 positive about that.
- 15 Q How deep were they?
- 16 A Well, the only thing that was showing was the
17 dome, and they're usually about three foot tall
18 on the top of the car, so it stuck out about a
19 foot out of the ground.
- 20 Q What is your estimate as to how deep the hole
21 was to bury them?
- 22 A Ten feet.
- 23 Q Are you aware of any leaks that occurred
24 involving those tank cars?
- 25 A No.

1 Q Because as far as you were concerned, nothing
2 ever went in there?

3 A No. They were empty.

4 Q Do you know what their purpose was?

5 A No, I do not.

6 Q You mentioned the words "storm safety areas."
7 What does that mean?

8 A Just something tossed around by the workers, I
9 guess.

10 Q Does anybody else know about those tank cars
11 that were buried?

12 A I'm sure everyone did back in those days.

13 Q Anybody around now that you know of that had
14 anything to do with those tank cars?

15 A No.

16 MR. CUNNINGHAM: That's all I have for
17 now. Thank you. Maybe I'll have some
18 other questions after Mr. Ermilio finishes
19 questioning you.

20 CROSS EXAMINATION

21 BY MR. ERMILIO:

22 Q Mr. Welter, you said you did not discuss this
23 deposition with any one of your co-workers
24 before today; is that correct?

25 A Only as to know who was picked to come up. I

1 knew Scott Barner was and there was a yard
2 person in the office when they called him in
3 too. There was a discussion over the phone as
4 to when I should appear.

5 Q Did you discuss the substance of the deposition?

6 A No.

7 Q Did you discuss the substance of your deposition
8 with any of your fellow workers or former yard
9 employees who have already been deposed?

10 A No.

11 Q There's been a lot of talk today about a tank
12 car that was damaged in the late '60s and you
13 worked in repairing that car.

14 Why do you remember that? Why does that
15 stick out in your mind from your many years in
16 the car shop?

17 A I don't know. I guess because of the crack in
18 the end of it.

19 Q Have you ever seen another tank car damaged like
20 that?

21 A No.

22 Q So that was unique?

23 A You could say unique, yes.

24 MR. CUNNINGHAM: You could say it, Jim,
25 but he doesn't say it.

1 MR. ERMILIO: I appreciate that,

2 Pierce.

3 Q Have you seen another tank car damaged in that
4 manner since 1958?

5 A Not in that manner, no.

6 Q Did anyone work on that car other than you and
7 Mr. Barner?

8 A I don't remember.

9 Q Did you use a blow torch or any --

10 A No. We straightened everything cold, as best we
11 could.

12 Q Why was that?

13 A We were told that's the way they wanted it done.

14 Q Who told you that?

15 A The supervisor.

16 Q What does "cold" mean?

17 A Without heat, straightening with pry bars and
18 levers and things to get them out to some
19 respectable distance, pulling with a chain,
20 whatever.

21 Q Did you ever see the contents of 55-gallon drums
22 or anything similar being dumped at the Elkhart
23 yard?

24 A No.

25 Q Did you ever see any other waste being dumped at

1 the yard?

2 A No.

3 Q Returning to journal boxes on the cars that you
4 discussed earlier today, you described the air
5 and the solvent combination that was used to
6 clean out journal boxes.

7 When was that last used?

8 A The early '70s.

9 Q Can you give me a year approximately?

10 A '75 or so.

11 Q And after that, was that particular solvent ever
12 used again?

13 A No.

14 Q Was it used --

15 MR. MASON: Excuse me. Are you talking
16 about whether it was ever used in the car
17 shop again? He would only know whether it
18 was used in the car shop.

19 Is that correct?

20 THE WITNESS: To my knowledge, it was
21 not ever used in the car shop after that.

22 BY MR. ERMILIO:

23 Q Are you aware of that solvent being used
24 anywhere else at the yard?

25 A No.

1 Q You described that as a solvent that was used to
2 clean the journal boxes?

3 A At that time -- well, even now -- I understand
4 the solvent as a cleaning solution. And, yes,
5 that's what we were using, so I termed it
6 solvents.

7 Q Do you know why that solvent was no longer used
8 after 1975?

9 A By that time, roller bearings were pretty
10 prevalent and, as I said, we had a self-
11 contained pad, and it wasn't required. We might
12 wipe the boxes dry with a rag if they were
13 contaminated in any way. They were better
14 sealed so there was no water or contamination
15 that could get in them.

16 Q Talking about 1975 and earlier when you used
17 this solvent and the air combination to clean
18 the journal boxes, what affect would that
19 cleaning process have on the car shop floor, if
20 any?

21 A It would make the car shop floor dirty. It
22 sprayed over the containment pans.

23 Q Was the car shop floor dirtier during the time
24 that you used that solvent and air cleaning
25 process in the journal boxes as compared to when

1 you no longer used those two.

2 A Sure, absolutely.

3 Q Why is that?

4 A Well, even if we spill a little oil or residue
5 or grease or dirt or water combination, it just
6 seems to adhere to concrete.

7 Q Would the solvent get onto the concrete?

8 A Some.

9 Q You then discussed the cleaning process for the
10 car shop floor.

11 What would happen to the floor cleaner that
12 you applied to the floor?

13 A It would have just be washed off the concrete
14 onto stone or dirt at either end of the
15 building.

16 Q Then where would it go?

17 A Apparently, siphon down through the ground.

18 Q And how about the oil or solvents or grease,
19 where did they go?

20 A Whatever residue was there went right along with
21 the soap and the water.

22 Q Did you ever see any aerosol cans being used?

23 A Only spray paint.

24 Q How about cleaners?

25 A No.

1 Q Were there any drums of waste liquids stored in
2 the car shop area?

3 A I don't know what the storehouse did with them.

4 Q So you're not aware of any?

5 A We might accumulate three or four on a skid, and
6 they would dispose of it. They would take them
7 away from our immediate area. What they did
8 with it, I don't know.

9 Q But you're not aware of disposal or emptying of
10 the drums at the yard?

11 A Oh, no.

12 MR. ERMILIO: I have no other questions
13 at this point.

14 MR. MASON: I have a few follow-up
15 questions.

16 REDIRECT EXAMINATION

17 BY MR. MASON:

18 Q Mr. Welter, I would like to go back again to
19 this tank car business.

20 Was there anything or any other repairs you
21 did to that tank car that would suggest to you
22 that those repairs were caused by derailment
23 that might have occurred during humping? I
24 mean, I understand you testified that you've
25 repaired or worked on cars that were damaged by

1 humping; is that correct? Don't let me misstate
2 your testimony.

3 A I have worked on cars that were damaged in
4 humping, yes.

5 Q And did anything you see on this tank car bear
6 any resemblance or similarity to those other
7 accidents, those other repairs that were done?

8 A Well, a bent grab iron is a bent grab iron. You
9 know, it's hard to know how or why it impacted
10 or whether it was impacted.

11 Q Is the grab iron on the rear of a car?

12 A They are on the ends of the car, on the sides of
13 the car, on the sides of the tank. They're
14 necessary equipment for someone to climb the
15 car.

16 Q Was there any damage to the coupling on this
17 tank car?

18 A No, not to my knowledge.

19 Q Had you been asked to repair the split in the
20 end cap, would your car shop have had the
21 capability to do that?

22 A No.

23 Q So it would have been that the job was too big
24 or --

25 A They just didn't have the proper facilities to

1 do it.

2 Q Was there anything on the car, a repair order
3 form or anything that would identify who the
4 person was that inspected it and found the
5 split?

6 A Not when I seen the car, no.

7 Q Was there any other form affixed to the car that
8 might indicate that contents were lost?

9 A No.

10 Q The material that was used to clean the car shop
11 floor, do you know whether that could have been
12 a mixture of soap and solvent?

13 A No, I don't know what the chemical composition
14 was. I just know that it was a cleaning fluid
15 that we used.

16 Q So you didn't have any involvement in preparing
17 that for use in the car shop?

18 A No.

19 Q Now, with regard to the buried tank cars, I
20 believe you testified in response to Mr.
21 Cunningham's question that you looked inside the
22 dome.

23 Could you see the entire interior of the
24 tank car?

25 A Just what was -- you could see straight down is

1 all.

2 Q Could you see the bottom of the car?

3 A You could see the bottom.

4 Q Were there any tears or ruptures?

5 A Not that I could see.

6 Q So it appeared to be intact?

7 A It was intact.

8 Q Did you shine a light in the tank car?

9 A No. It wasn't necessary.

10 Q So just by opening the top, the entire inside
11 was lit up to where you could see everything; is
12 that correct?

13 A The hatch opening is basically about, oh, 14 to
14 15 inches in diameter on that age of car. And I
15 just opened up the whole lid. It's like a
16 manhole cover almost.

17 Q When you did the repairs to the tank car that
18 had the split in the end cap, you mentioned that
19 you did that cold; is that correct?

20 A That's correct.

21 Q Were those repairs things that you normally
22 would have used a blow torch or heat to
23 accomplish, or could have used a blow torch or
24 heat to accomplish?

25 A Could have used, yes.

1 Q And would it have been either normal practice or
2 normal procedure to have used heat?

3 A The nature of man, yes: make it as easy as
4 possible.

5 Q But you were instructed not to use heat:

6 A We were instructed not to use heat.

7 Q Do you know who gave you that particular
8 instruction?

9 A Our immediate supervisor.

10 Q Do you recall who that was?

11 A No, I don't.

12 Q And I believe Mr. Barner was involved in that
13 also; is that correct?

14 A That's correct.

15 Q Is it your opinion that there was a reason why
16 heat wasn't used? Do you have any opinion about
17 that?

18 A Why heat wasn't used?

19 Q Right.

20 A I don't know what the reason was they told us
21 not to use heat.

22 Q Do you recall having any opinion or any surprise
23 at that directive, that request?

24 A No, not really.

25 Q I would like to ask a couple more questions on

1 the journal boxes, if you can stand it.

2 The purpose again of cleaning the journal
3 boxes, was that to remove debris and accumulated
4 oil?

5 A At that time, they had periodic maintenance,
6 which if I remember right was a four-year or --
7 no, I'm sorry, two years on some and three years
8 on others, depending on the disposition of the
9 box and the size and that sort of thing. And
10 when that time frame come due, they were
11 changed.

12 Q Now, if I were to characterize that process as
13 degreasing, would that be accurate?

14 A Not really. Some used solvent, some only took
15 air. A lot of times you didn't have to use
16 solvent.

17 Q So how would you determine whether solvent
18 needed to be used?

19 A Depending on what residue you found within the
20 box after the material was taken out.

21 Q And that residue would normally consist of what?

22 A Oh, grit, dirt, water.

23 Q And some grease?

24 A Some oil.

25 Q This wand that was used in cleaning the journal

1 boxes, did it have an on/off switch?

2 A It had triggers, thumb triggers.

3 Q Did they leak?

4 A No. They were pretty well maintained.

5 Q Did you ever see a practice where, while someone
6 was cleaning out journal boxes, the wand might
7 go astray and --

8 A I can't recall.

9 Q Now, I believe you stated that the contents of
10 the catch pans that were used in the journal
11 boxes were put into drums?

12 A Yes.

13 Q And were those drums stored in the car shop for
14 any period of time?

15 A Like I said, they were taken away by the
16 storehouse. What their directive was, I don't
17 know. I don't know if they loaded them and
18 shipped them somewhere or what.

19 Q Were they open-topped drums?

20 A No. They were sealed. They were when we were
21 using them, but they sealed them.

22 Q But they were open so that catch pans could be
23 poured in them; is that right?

24 A Yes.

25 Q Do you recall at any time whether those

1 particular drums of solvent were ever knocked
2 over by a forklift or whatever?

3 A I can't recall.

4 MR. MASON: I have no further
5 questions.

6 MR. CUNNINGHAM: I just have a few
7 more, Mr. Welter

8 RECROSS-EXAMINATION

9 BY MR. CUNNINGHAM:

10 Q This buried tank car has nothing to do, does it,
11 Mr. Welter, with any drums that may have been
12 stored on site; that is, southwest of the car
13 shop?

14 A No.

15 Q Were you aware of any drums that had been stored
16 there, southwest of the car shop? Do you know
17 where that is?

18 A That's an open area. Has been for many years.

19 Q Did you observe any drums in that area?

20 A No.

21 Q Do you know Mr. Kirk?

22 A Yes.

23 Q Have you had any discussions with him about an
24 alleged incident supposedly involving a hundred
25 drums that may have been stored to the southwest

1 of the car shop that had been dumped during
2 Conrail ownership? Do you know anything about
3 that?

4 A No.

5 Q Do you know anybody that knows anything about
6 that?

7 A No, I do not.

8 Q Again, with respect to the tank car repair in
9 the late '60s, does Mr. Barner know any more
10 about that incident than you do?

11 A I don't know.

12 Q You don't know who your supervisor was at that
13 time?

14 A No, I don't.

15 Q And you don't know what year this was?

16 A It was the late '60s. That's all I can tell
17 you. I don't catalog this stuff. I just work
18 there.

19 Q So it could have been 1966; is that right?

20 A I can't say yes or no to that.

21 Q Could have been '67, right?

22 A Could have been. In the late '60s is all I can
23 tell you.

24 Q I mean, you just can't pin it down, right?

25 A I can't put a specific date on it, no.

1 Q Could it have been '70 or '71?

2 A I don't know.

3 Q Because you can't pin it down, right?

4 A Right.

5 Q Could have been before '65, right?

6 A I have no specific date for that.

7 Q Could have been '76, right?

8 A It could have been, I suppose. I have no

9 specific date.

10 Q You're being very honest. I appreciate that

11 very much.

12 It's my understanding that there was no

13 coupling damage to that. Is that how you recall

14 it?

15 A To my recollection, there was none, no.

16 Q And the split would not be described as a

17 puncture, would it?

18 A There was no other damage to the structure of

19 the car, no.

20 Q But it didn't result from another coupling

21 striking the front, did it?

22 A It didn't show any visible signs of that.

23 Q There was no other car that you can recall that

24 was associated with that damage and was

25 repaired?

1 A We only had that one car, so I don't know
2 whether there was or not.

3 Q And you indicated also -- and I wasn't clear on
4 this -- that there were no proper facilities to
5 fix the end cap.

6 What do you mean by that?

7 A Well, federal regulations don't allow you to
8 repair something like that. The entire cap has
9 to be replaced.

10 Q Oh, I see what you mean.

11 Do you have any idea, Mr. Welter, in the
12 years that you were in the car shop, how many
13 tank cars you repaired?

14 A Pardon?

15 Q How many tank cars you would have personally
16 been involved with the repair of?

17 A Many.

18 Q Over a hundred?

19 A No, I wouldn't say that many.

20 Q What would be your best estimate?

21 A Oh, 75, 50, somewhere around in there, over the
22 years.

23 Q And if I were to take you back and try to make
24 you recall what types of damage there were to
25 those 75 tank cars, you wouldn't have any idea

1 what those types of repairs would be, would you.

2 A Many times it was running boards, many times

3 just loose running boards, loose grab irons.

4 things like that that are safety appliances that

5 have to be secure so someone can use them

6 safely.

7 Q Or if you went back and looked at every one of

8 those 75, you would have a difficult time

9 telling me what parts of that tank car would

10 have been damaged and what parts were okay;

11 isn't that true?

12 A Oh, yes. I couldn't tell you that.

13 Q Just one other thing. With regard to the

14 journal boxes, you recall that I told you that I

15 discussed this with Mr. Thimler.

16 He stated that he would always place a pan

17 under the journal and the box. And this pan, he

18 says, caught approximately 90 percent of the

19 dirt, solvent, and waste, and whatever else

20 might have come out of the journal box, that the

21 excess material was dumped in a waste container

22 and carried away.

23 Is that basically your understanding of

24 what happened during those years when journal

25 boxes were cleaned?

1 A Basically correct, yes.

2 MR. CUNNINGHAM: I have nothing
3 further.

4 Thank you.

5 RECROSS-EXAMINATION

6 BY MR. ERMILIO:

7 Q Returning to the solvent that was used to clean
8 the journal boxes, you told me it was no longer
9 used after the early '70s or '75, do you know
10 whether that solvent was used after '76, during
11 Conrail time?

12 A Not to my knowledge. We didn't use it as a
13 product that we had in the past, no. To my
14 knowledge, it was not being used anywhere.

15 Q So the use of that solvent terminated in '75 or
16 prior to '76?

17 A I would say so, yes.

18 Q Returning once again to that damaged tank car.

19 In response to Mr. Mason's questions at the
20 beginning of the day, you said your best
21 recollection was that that occurred in the late
22 '60s.

23 Is that your best recollection?

24 A It is.

25 Q Is there any reason why you say it was the late

1 '60s rather than last year or any other time?

2 A, No, no particular other reason.

3 MR. ERMILIO: I have no other
4 questions.

5 MR. CUNNINGHAM: I have nothing
6 further.

7 MR. MASON: I have just one more
8 question.

9 FURTHER EXAMINATION

10 BY MR. MASON:

11 Q I thought you said earlier that after '75 that
12 there was still a need to clean journal boxes on
13 older cars, cars that hadn't had the new
14 bearings. Is that correct?

15 A We cleaned them, yes. We still do today. There
16 are a few running around with journal boxes
17 still.

18 Q And any time after 1975, would the air/solvent
19 mixture continued to have been used for those
20 journal boxes?

21 A No.

22 Q Again, what was used after that to clean the
23 boxes?

24 A At that time, they were using a self-contained
25 pad within a material, sponge within a soft-

1 cloth material, and they were pre-lubricated.
2 We took out whatever was there, cleaned the box
3 with a rag, and inserted the new pad, and we
4 were back in business.

5 MR. MASON: Nothing further.

6 MR. CUNNINGHAM: That's all.

7 MR. ERMILIO: Thank you. That's all.

8 We'll read and sign.

9 (Deposition concluded at 11:00 o'clock a.m.)

10 + + + oOo + + +
11

12 _____
13 Stanley Edward Welter

14
15 SUBSCRIBED AND SWORN to before
16 me this ____ day of _____,
17 A.D., ____.

18
19 _____
20 Notary Public, State of Indiana
21 County of Residence:
22 My Commission Expires:
23
24
25

CERTIFICATE

I, Lois A. Schoenbeck, a Notary Public in and for the County of Porter and State of Indiana, do hereby certify there appeared before me at the said time and place STANLEY EDWARD WELTER, who was first duly sworn by me to testify the truth, the whole truth, and nothing but the truth to questions propounded at the taking of the foregoing deposition.

I further certify that I then and there reported in machine shorthand the proceedings at the said time and place; that the proceedings were then reduced to typewriting from my original shorthand notes; and that the foregoing typewritten transcript is a true and correct record thereof.

I further certify that the deposition was read and signed in the presence of a duly authorized officer.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my notarial seal this ____ day of

_____, A.D. 1993.



Lois A. Schoenbeck, Notary Public
State of Indiana, Porter County
My Commission Expires 08-19-94